CERF
COASTAL ENVIRONMENTAL RIGHTS FOUNDATION

SAN DIEGO COASTKEEPER

May 22, 2015

VIA CERTIFIED MAIL

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Re: Notice of Violation and Intent to File Suit Under the Clean Water Act

Mr. Brent Reynolds and Mr. Gregory Reynolds:

We are writing on behalf of Coastal Environmental Rights Foundation ("CERF") and San Diego Coastkeeper ("Coastkeeper") in regard to violations of the Clean Water Act[1] and California's Industrial Storm Water Permit[2] occurring at the Quality Recycling Facility located at 149 Nettleton Drive in Vista, California 92083 ("Quality Recycling Facility" or "Facility"). This letter is being sent to you as the responsible owner and/or operator of the Quality Recycling Facility, or as the registered agent for this entity. This letter puts Quality Recycling, Inc. and Reybro, Inc. (hereinafter referred to as the "Quality Recycling Owners and/or Operators") on notice of the violations of the Industrial Storm Water Permit occurring at the Quality Recycling Facility including, but not limited to, discharges of polluted storm water from the Quality Recycling Facility into local surface waters. Violations of the Industrial Storm Water Permit are violations of the Clean Water Act. As explained below, the Quality Recycling Facility Owners and/or Operators are liable for violations of the Industrial Storm Water Permit and the Clean Water Act.

Section 505(b) of the Clean Water Act, 33 U.S.C. § 1365(b), requires that a citizen give notice of his/her intention to file suit sixty (60) days prior to the initiation of a civil action under Section 505(a) of the Clean Water Act, 33 U.S.C. § 1365(a). Notice must be given to the alleged violator, the Administrator of the United States Environmental Protection Agency ("EPA"), the Regional Administrator of the EPA, the Executive Officer of the water pollution control agency in the state in which the violations occur, and, if the alleged violator is a corporation, the registered agent of the corporation. *See* 40 C.F.R. § 135.2(a)(1).

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[1] Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 *et seq.*

[2] National Pollution Discharge Elimination System ("NPDES") General Permit No. CAS000001 [State Water Resources Control Board] Water Quality Order No. 92-12-DWQ, as amended by Order No. 97-03-DWQ.

Pursuant to 33 U.S.C. §§ 1365(a) and (b) of the Clean Water Act, ("Notice Letter"), after the expiration of sixty (60) days from the date of this Notice Letter, CERF and Coastkeeper intend to file suit in Federal court against the Quality Recycling Owners and/or Operators for violations of the Storm Water Permit and the Clean Water Act.

I. BACKGROUND

A. Citizen Groups

CERF is a California nonprofit public benefit corporation founded by surfers dedicated to the protection, preservation and enhancement of the environment, wildlife, natural resources, local marine waters and other coastal natural resources. CERF's interests are and will be adversely affected by the Quality Recycling Owners and/or Operators' actions. CERF's mailing address is 1140 S. Coast Highway 101, Encinitas, CA 92024. Its telephone number is (760) 942-8505.

San Diego Coastkeeper's office is located at 2825 Dewey Road, Suite 200 in San Diego, California 92106. Coastkeeper is a nonprofit organization committed to protecting and restoring the San Diego region's water quality and supply. A member of the international Waterkeeper Alliance, Coastkeeper's main purpose is to preserve, enhance, and protect the San Diego's marine sanctuaries, coastal estuaries, wetlands and bays from illegal dumping, hazardous spills, toxic discharges and habitat degradation. Coastkeeper implements this mission through outreach and education programs that work to prevent water pollution, as well as community activism, participation in governmental hearings, and prosecuting litigation to ensure that San Diego's beaches, bays, coastal waters and tributary streams and rivers meet all substantive water quality standards guaranteed by Federal, State and local statutes and regulations.

Members of CERF and Coastkeeper use and enjoy the waters into which pollutants from the Quality Recycling Facility's ongoing illegal activities are discharged, including the Buena Vista Creek, Buena Vista Lagoon, and the Pacific Ocean ("Receiving Waters"). The public and members of CERF and Coastkeeper use these Receiving Waters to fish, sail, boat, kayak, surf, stand-up paddle, swim, scuba dive, bird-watch, view wildlife, and to engage in scientific studies. Procedural and substantive violations of the Industrial Storm Water Permit including, but not limited to, the discharge of pollutants from the Quality Recycling Facility impair each of these uses. Further, these violations are ongoing and continuous. Thus, the interests of CERF and Coastkeeper's members have been, are being, and will continue to be adversely affected by the Quality Recycling Facility Owner's and/or Operator's failure to comply with the Industrial Storm Water Permit and the Clean Water Act.

B. The Owner and/or Operator of the Quality Recycling Facility

Information available to CERF and Coastkeeper indicates that Reybro Inc. is an owner or operator (or both) of the Quality Recycling Facility.

The Quality Recycling Owners and/or Operators have violated and continue to violate the procedural and substantive terms of the Industrial Storm Water Permit including, but not limited to, by illegally discharging pollutants from the Quality Recycling Facility into local surface waters. As

explained herein, the Quality Recycling Owners and/or Operators are liable for violations of the Industrial Storm Water Permit and the Clean Water Act.

C. The Quality Recycling Facility's Industrial Storm Water Permit Coverage

Prior to beginning industrial operations, dischargers are required to apply for coverage under the Industrial Storm Water Permit by submitting a Notice of Intent to Comply with the Terms of the General Permit to Discharge Storm Water Associated with Industrial Activity ("NOI") to the State Water Resources Control Board ("State Board"). *See* Industrial Storm Water Permit, Finding #3. The Quality Recycling Owners and/or Operators submitted an NOI for the Quality Recycling Facility in August 2003 ("2003 NOI"). The State Board assigned Waste Discharge Identification ("WDID") number 9-37I018316 for the Quality Recycling Facility. The Quality Recycling Owners and/or Operators lists the Standard Industrial Classification ("SIC") code for the Quality Recycling Facility as 5093 (Scrap and Waste Materials).

D. Storm Water Pollution and the Waters Receiving the Quality Recycling Facility's Discharges

With every significant rainfall event, millions of gallons of polluted storm water originating from industrial operations such as the Quality Recycling Facility pour into storm drains and local waterways. The consensus among agencies and water quality specialists is that storm water pollution accounts for more than half of the total pollution entering surface waters each year. Such discharges of pollutants from industrial facilities contribute to the impairment of downstream waters and adversely impact aquatic-dependent wildlife. These contaminated discharges can and must be controlled for downstream ecosystems to regain their health.

Storm water discharges from scrap metal recycling facilities, like the Quality Recycling Facility, contain pollutants such as oil and grease ("O&G"), total suspended solids ("TSS"), plastics, and heavy metals (such as copper, iron, lead, aluminum, and zinc). Many of these pollutants are on the list of chemicals published by the State of California as known to cause cancer, birth defects, and developmental or reproductive harm. Discharges of polluted storm water to Buena Vista Creek and Buena Vista Lagoon and its tributaries pose carcinogenic and reproductive toxicity threats to the public and adversely affect the aquatic environment.

Buena Vista Creek ("Creek") and Buena Vista Lagoon ("Lagoon") are receiving waters for discharges from the Quality Recycling Facility. The Creek and Lagoon are ecologically sensitive areas. Although pollution and habitat destruction have drastically diminished once-abundant and varied fisheries and migratory fowl in these Receiving Waters, the Lagoon and Creek still provide essential habitat for fish, bird, and invertebrate species. These pollutants harm the special aesthetic and recreational significance that the Lagoon and Creek have for people in the surrounding communities, including CERF and Coastkeeper's members. The public's use of the Pacific Ocean for water contact sports exposes people to toxic metals and other contaminants in storm water and non-storm water discharges. The public's use of the Lagoon for recreational fishing exposes people to toxic metals and other contaminants in storm water and non-storm water discharges. Non-contact recreational and aesthetic opportunities,

such as wildlife and bird observation, are also impaired by polluted discharges to the Lagoon, Creek, Pacific Ocean, and their tributaries.[3]

The Buena Vista Lagoon covers 223 acres of wetland habitat and is California's first Ecological Reserve and is managed by the California Department of Fish and Wildlife. Basin Plan, p. 2-6. The Lagoon is also a Marine Protected Area, designated a State Marine Park. Basin Plan, p. 2-5. Estimates are that at least 103 bird species, 18 mammalian species, and 14 amphibious and reptilian species live in and around the lagoon.[4] Over 200 bird species have been observed.[5] The lagoon offers sanctuary to many species and it is located on the annual migration route known as the Pacific Flyway, and millions of birds pass through during winter and summer migrations.[6]

The California Regional Water Quality Control Board, San Diego Region's, ("Regional Board") *Water Quality Control Plan for the San Diego Basin* ("Basin Plan") identifies the "Beneficial Uses" of water bodies in the region. The Beneficial Uses for Buena Vista Creek and its tributaries near the point at which it receives polluted storm water discharges from the Quality Recycling Facility include: Contact Water Recreation; Non-contact Water Recreation; Warm Freshwater Habitat; Rare, Threatened, or Endangered Species; and Wildlife Habitat. *See* Basin Plan at Table 2-2.

The Beneficial Uses for Buena Vista Lagoon, which receives polluted storm water discharges from Buena Vista Creek and the Quality Recycling Facility include: Contact Water Recreation; Non-contact Water Recreation; Preservation of Biological Habitats of Special Significance; Wildlife Habitat; Rare, Threatened, or Endangered Species; Marine Habitat; and Warm Freshwater Habitat . *See* Basin Plan at Table 2-3. Support of estuarine ecosystems including, preservation or enhancement of habits, vegetation, fish, shellfish, and wildlife is a potential beneficial use for the Lagoon.[7] *Id.*

The Beneficial Uses for the Pacific Ocean include Industrial Service and Supply, Navigation, Contact Water Recreation; Non-contact Water Recreation; Commercial and Sport Fishing, Preservation of Biological Habitats of Special Significance; Wildlife Habitat; Rare, Threatened, or Endangered Species; Marine Habitat; Aqua, Migration of Aquatic Organisms, Spawning, Reproduction and/or Early Development, and Shellfish Harvesting . *See* Basin Plan at Table 2-3, p. 2-52.

Buena Vista Creek is impaired by various pollutants, including sediment toxicity and selenium. Buena Vista Lagoon is impaired for bacteria, nutrients, and sedimentation/siltation. Polluted discharges from industrial sites such as the Quality Recycling Facility contribute to the degradation of these already impaired surface waters and of the ecosystems that depend on these waters.[8]

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[3] A recent Fact Sheet released by SANDAG, TransNet, Oceanside, and Carlsbad noted that the discharge of pollutants into the lagoon, "have diminished the lagoon's value to fish and wildlife, and well as human use." *Buena Vista Lagoon Enhancement Project Fact Sheet*, February 2015. Last accessed April 6, 2015 at http://www.keepsandiegomoving.com/Libraries/EMP-doc/fact-sheet-buena-vista-lagoon-1945_REV-Feb2015_FINAL.sflb.ashx.

[4] http://www.bvaudubon.org/BvLagoon.htm

[5] Ihttp://www.bvaudubon.org/BvLagoon.htm

[6] http://www.carlsbadca.gov/residents/fun/lagoons/buena.asp

[7] Beneficial uses are designated as potential for various reasons, including plans to put the water to a future use.

[8] "All waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life. Compliance with this objective will be determined by use of indicator organisms, analyses of species diversity, population density, growth anomalies,

II. THE QUALITY RECYCLING FACILITY AND ASSOCIATED DISCHARGES OF POLLUTANTS

A. The Quality Recycling Facility Site Description

Information available to CERF and Coastkeeper indicates that the Quality Recycling Facility is at least 65,400 square feet and 94 percent impervious. The Facility property is bordered by Nettleton Road to the west, a hotel to the southwest, an RV rental center to the southeast and east, and a residential apartment complex to the north. There are four points of egress/ingress to the Facility from Nettleton Road.

Information available to CERF and Coastkeeper indicates the facility contains one large main building located at the south/southwest side of the Facility used for unloading, weighing, and sorting of various materials, and as an office. To the east of the main building are located crushing, weighing, and baling machines used to process materials. Another building used for storage of baled materials exists toward the northeast corner of the Facility. Two other smaller buildings used for lunch rooms and restrooms are located toward the northwest corner of the Facility, and a smaller storage room is located further north of those two buildings near the far northeast corner of the Facility. The bulk of the remainder of the Facility is used for storage of materials.

The egress/ingress driveways on Nettleton Road serve as entry and exit points for drive-through recycling services for both members of the public and Quality Recycling vehicles picking up and dropping off bins containing scrap materials and materials intended to be recycled. Materials are then unloaded at the drop off/unloading location on the south/southeast side of the property and then are sorted either immediately or within the main unloading and sorting building on the south/southeast portion of the Facility. Materials are sorted and put into storage bins, and/or baled and stacked for storage throughout the remainder of the property or transferred to workstations in the facility for processing.

B. The Quality Recycling Facility Industrial Activities and Associated Pollutants

According to information available to CERF and Coastkeeper, scrap metals, plastics, glass, cardboard and other materials are received, processed, sorted, stored, and shipped at the Quality Recycling Facility. The industrial activities and areas at the Quality Recycling Facility are pollutant sources and include, but are not limited to: processing scrap metals and other materials for storage and/or shipment; shipping, receiving, and moving products around the Facility; scrap metal loading and unloading area, scrap metal processing area; glass crusher area; plastics perforating area; shearing areas; baling areas; scrap metal storage area; baler area; non-ferrous scrap storage and processing areas; equipment parking and fueling area; vehicle maintenance, cleaning, and storage; unloading raw materials; and unprocessed material storage and scrap storage areas.

Among the activities that take place at Quality Recycling Facility are: drop off and pick up recycled materials and other scrap metal materials, transfer of scrap and recycled materials, sorting of recycled materials, processing of recycled metal and non-metal materials, storage of recycled materials in

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bioassays of appropriate duration or other appropriate methods as specified by the Regional Board" (Region 9 Basin Plan, p, 3-31; April 4, 2011).

open and closed air bins and bales, vehicle traffic and delivery or hauling of bins filled with scrap or recycled materials.

The pollutants associated with the Facility include, but are not limited to: O&G; heavy metals, including, but not limited to, aluminum, iron, lead, aluminum, copper, and zinc; suspended solids; trash and debris; gas, diesel, fuel, and fuel additives; fugitive and other dust and dirt; plastics products; glass products; petroleum products; bacteria; and pH-affecting substances.

Information available to CERF and Coastkeeper indicates that storage of vehicles and equipment, and storage of materials associated with the Facility's industrial activities occur outdoors without adequate cover to prevent storm water exposure to pollutant sources, and without secondary containment or other adequate treatment measures to prevent polluted storm water from discharging from the Quality Recycling Facility. Further, information available to CERF and Coastkeeper indicates that the pollutants associated with the Facility have been and continue to be tracked throughout the Quality Recycling Facility, where they accumulate at the storm water discharge points and the driveways leading to and from the Facility. This results in trucks and vehicles tracking sediment, dirt, oil, grease, metal particles, and other pollutants off-site. The resulting illegal discharges of polluted water impacts CERF and Coastkeeper's members' use and enjoyment of Buena Vista Creek, Buena Vista Lagoon, the Pacific Ocean and its tributaries by degrading the quality of those Receiving Waters and by posing risks to human health and aquatic and bird life.

C. Quality Recycling Facility Storm Water Flows and Discharge Locations

The Quality Recycling Owners and/or Operators report there is one (1) discharge point located at the Facility, which they identify as the "SW Side." Discharges from the Facility flow to the municipal separate storm sewer system, which flows to Buena Vista Creek, Buena Vista Lagoon, and ultimately the Pacific Ocean.

III. VIOLATIONS OF THE CLEAN WATER ACT AND THE INDUSTRIAL STORM WATER PERMIT

In California, any person who discharges storm water associated with industrial activity must comply with the terms of the Industrial Storm Water Permit in order to lawfully discharge pollutants. *See* 33 U.S.C. §§ 1311(a), 1342; 40 C.F.R. § 122.26(c)(1); *see also* Industrial Storm Water Permit, Fact Sheet at VII.

A. Discharges of Polluted Storm Water from the Quality Recycling Facility in Violation of Effluent Limitation B(3) of the Industrial Storm Water Permit

Effluent Limitation B(3) of the Industrial Storm Water Permit requires dischargers to reduce or prevent pollutants associated with industrial activity in storm water discharges through implementation of best management practices ("BMPs") that achieve best available technology economically achievable ("BAT") for toxic pollutants[9] and best conventional pollutant control technology ("BCT") for

[9] Toxic pollutants are listed at 40 C.F.R. § 401.15 and include copper, lead, and zinc, among others.

conventional pollutants.[10] Benchmark Levels are relevant and objective standards to evaluate whether a permittee's BMPs achieve compliance with BAT/BCT standards as required by Effluent Limitation B(3) of the Industrial Storm Water Permit.[11]

Storm water sampling at the Quality Recycling Facility demonstrates that the Facility's storm water discharges contain concentrations of pollutants above the Benchmark Levels. *See* Exhibit A (table listing the Facility's storm water samples exceeding Benchmark Level(s), as reported to the Regional Board by the Quality Recycling Owners and/or Operators). The repeated and significant exceedances of Benchmark Levels demonstrate that the Quality Recycling Owners and/or Operators have failed and continue to fail to develop and/or implement BMPs to prevent the exposure of pollutants to storm water and to prevent discharges of polluted storm water from the Quality Recycling Facility, in violation of Effluent Limitation B(3) of the Industrial Storm Water Permit.

Aerial photos indicate significant amounts of debris are exposed to rain onsite, as well as open containers of scrap and recycling materials. The ground also appears stained with oil and grease tracks. (See Google Images).

Information available to CERF and Coastkeeper indicates the Quality Recycling Owners and/or Operators violate Effluent Limitation B(3) of the Industrial Storm Water Permit each time storm water is discharged from the Quality Recycling Facility as a result of its failure to develop and/or implement BMPs that achieve BAT/BCT. *See e.g.*, Exhibit B (setting forth dates of rain events resulting in a discharge at the Facility).[12] These discharge violations are ongoing and will continue each day the Quality Recycling Owners and/or Operators discharge polluted storm water without developing and/or implementing BMPs that achieve compliance with the BAT/BCT standards. CERF and Coastkeeper will update the number and dates of violation when additional information and data becomes available. Each time the Quality Recycling Owners and/or Operators discharge polluted storm water in violation of Effluent Limitation B(3) of the Industrial Storm Water Permit is a separate and distinct violation of the Industrial Storm Water Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. §1311(a). The Quality Recycling Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since May 15, 2010.

B. Discharges of Polluted Storm Water from the Quality Recycling Facility in Violation of Receiving Water Limitations C(1) and C(2) of the Industrial Storm Water Permit

Receiving Water Limitation C(1) of the Industrial Storm Water Permit prohibits storm water discharges and authorized non-storm water discharges that adversely impact human health or the environment. Discharges that contain pollutants in concentrations that exceed levels known to adversely impact aquatic species and the environment constitute violations of Receiving Water Limitation C(1) of the Industrial Storm Water Permit and the Clean Water Act. Receiving Water Limitation C(2) of the Industrial Storm Water Permit prohibits storm water discharges and authorized non-storm water

[10] Conventional pollutants are listed at 40 C.F.R. § 401.16 and include biological oxygen demand, total suspended solids, oil and grease, pH, and fecal coliform.
[11] *See* EPA Proposed Multi-Sector General Permit (2013), Fact Sheet, p. 50; *see also*, EPA Multi-Sector General Permit (2008), Fact Sheet, p. 106; EPA Multi-Sector General Permit, 65 Federal Register 64839 (2000).
[12] Exhibit B sets forth dates of rain events. At a minimum discharges occur at the Facility during significant rain events, which are defined by EPA as a rainfall event generating 0.1 inches or more of rainfall (the amount that generally results in measurable discharges at a typical industrial facility).

discharges that cause or contribute to an exceedance of an applicable water quality standard ("WQS").[13] Discharges that contain pollutants in excess of an applicable WQS violate Receiving Water Limitation C(2) of the Industrial Storm Water Permit and the Clean Water Act.

As explained above in Section I.D, the current 303(d) List of Impaired Water Bodies lists-Buena Vista Creek and Buena Vista Lagoon as impaired for multiple pollutants. Information available to CERF and Coastkeeper indicates that the Quality Recycling Facility's storm water discharges contain elevated concentrations of pollutants, which can be acutely toxic and/or have sub-lethal impacts on the avian and aquatic wildlife in the Creek and Lagoon. *See e.g.,* Exhibit A (table listing the Facility's storm water samples containing pollutants at elevated levels). Discharges of elevated concentrations of pollutants in the storm water from the Quality Recycling Facility also adversely impact human health. These harmful discharges from the Quality Recycling Facility are violations of Receiving Water Limitation C(1).

The Quality Recycling Facility storm water discharges also contain concentrations of pollutants that cause or contribute to violations of applicable WQSs. *See* Exhibit A (table listing the Facility's storm water samples exceeding applicable WQSs, as reported to the Regional Board by the Quality Recycling Owners and/or Operators). Storm water discharges from the Quality Recycling Facility that cause or contribute to exceedances of WQSs are violations of Receiving Water Limitation C(2).

Information available to CERF and Coastkeeper indicates that the storm water discharges from the Quality Recycling Facility violate Receiving Water Limitations C(1) and/or C(2) each time storm water is discharged from the Facility. These violations are ongoing, and will continue each time contaminated storm water is discharged in violation of Receiving Water Limitation C(1) and/or C(2) of the Industrial Storm Water Permit. Each time discharges of storm water from the Facility adversely impact human health or the environment is a separate and distinct violation of Receiving Water Limitation C(1) of the Industrial Storm Water Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. §1311(a). Each time discharges of storm water from the Quality Recycling Facility cause or contribute to an exceedance of an applicable WQS is a separate and distinct violation of Receiving Water Limitation C(2) of the Industrial Storm Water Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. §1311(a). CERF and Coastkeeper will update the number and dates of violations when additional information becomes available. The Quality Recycling Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since May 15, 2010.

C. Failure to Develop, Implement and/or Revise an Adequate Storm Water Pollution Prevention Plan

Section A(1) and Provision E(2) of the Industrial Storm Water Permit require dischargers to have developed and implemented a SWPPP by October 1, 1992, or prior to beginning industrial activities, that meets all of the requirements of the Industrial Storm Water Permit. The objectives of the SWPPP requirement are to identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of storm water discharges from the Quality Recycling Facility, and to implement site-specific BMPs to reduce or prevent pollutants associated with industrial activities in storm water

[13] As explained above in Section I.D, the Basin Plan designates Beneficial Uses for the Receiving Waters. Water quality standards are pollutant concentration levels determined by the state or federal agencies to be protective of designated Beneficial Uses. Discharges above water quality standards contribute to the impairment of the Receiving Waters' Beneficial Uses. Applicable water quality standards include, among others, the Criteria for Priority Toxic Pollutants in the State of California, 40 C.F.R. § 131.38 ("CTR"), and the water quality objectives in the Basin Plan.

discharges. *See* Industrial Storm Water Permit, Section A(2). These BMPs must achieve compliance with the Industrial Storm Water Permit's Effluent Limitations and Receiving Water Limitations. To ensure compliance with the Industrial Storm Water Permit, the SWPPP must be evaluated on an annual basis pursuant to the requirements of Section A(9), and must be revised as necessary to ensure compliance with the Industrial Storm Water Permit. *Id.*, Sections A(9) and (10).

Sections A(3) – A(10) of the Industrial Storm Water Permit set forth the requirements for a SWPPP. Among other requirements, the SWPPP must include: a site map showing the facility boundaries, storm water drainage areas with flow patterns, nearby water bodies, the location of the storm water collection, conveyance and discharge system, structural control measures, areas of actual and potential pollutant contact, areas of industrial activity, and other features of the facility and its industrial activities (*see* Industrial Storm Water Permit, Section A(4)); a list of significant materials handled and stored at the site (*see* Industrial Storm Water Permit, Section A(5)); a description of potential pollutant sources, including industrial processes, material handling and storage areas, dust and particulate generating activities, significant spills and leaks, non-storm water discharges and their sources, and locations where soil erosion may occur (*see* Industrial Storm Water Permit, Section A(6)). Sections A(7) and A(8) of the Industrial Storm Water Permit require an assessment of potential pollutant sources at the facility and a description of the BMPs to be implemented at the facility that will reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges, including structural BMPs where non-structural BMPs are not effective.

The Quality Recycling Owners and/or Operators have been conducting operations at the Facility with an inadequately developed and/or implemented SWPPP. The Quality Recycling Facility Owners and/or Operators have failed and continue to fail to develop and/or implement a SWPPP that contains BMPs to prevent the exposure of pollutant sources to storm water and the subsequent discharge of polluted storm water from the Facility, as required by the Industrial Storm Water Permit. The SWPPP inadequacies are documented by the continuous and ongoing discharge of storm water containing pollutant levels that exceed EPA Benchmarks and applicable WQS. *See, e.g.,* Exhibit A.

The Quality Recycling Owners and/or Operators have also failed to revise the Facility's SWPPP to ensure compliance with the Industrial Storm Water Permit. Despite the significant concentrations of pollutants in the Facility's storm water discharges each year, and despite the SWPPP's own language stating that it has "been revised to…incorporate new BMPs[14]," information available to CERF and Coastkeeper indicates that the SWPPP was not revised to include additional BMPs to eliminate or reduce these pollutants, as required by the Industrial Storm Water Permit. Finally, the Facility's SWPPP lists the parameters the Facility must test for in Section 6.6.1[15], but that list does not include COD despite the fact that Table D of the Industrial Storm Water Permit requires the Facility to sample for COD.

The Quality Recycling Owners and/or Operators have failed to adequately develop, implement, and/or revise a SWPPP, in violation of Section A and Provision E(2) of the Industrial Storm Water Permit. Every day the Quality Recycling Facility operates with an inadequately developed, implemented, and/or properly revised SWPPP is a separate and distinct violation of the Industrial Storm Water Permit and the Clean Water Act. The Quality Recycling Owners and/or Operators have been in daily and continuous violation of the Industrial Storm Water Permit's SWPPP requirements since at least May 15,

[14] Storm Water Pollution Prevention Plan (SWPPP), WDID #937I018316, August 6, 2004, page 1.
[15] Id at 14.

2010. These violations are ongoing, and CERF and Coastkeeper will include additional violations when information becomes available. The Quality Recycling Owners and/or Operators are subject to civil penalties for all violations of the Clean Water Act occurring since May 15, 2015.

D. Failure to Develop, Implement, and/or Revise an Adequate Monitoring and Reporting Program

Section B(1) and Provision E(3) of the Industrial Storm Water Permit require facility operators to develop and implement an adequate Monitoring and Reporting Program ("M&RP") by October 1, 1992, or prior to the commencement of industrial activities at a facility, that meets all of the requirements of the Industrial Storm Water Permit. The primary objective of the M&RP is to detect and measure the concentrations of pollutants in a facility's discharge to ensure compliance with the Industrial Storm Water Permit's Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations. *See* Industrial Storm Water Permit, Section B(2). The M&RP must therefore ensure that BMPs are effectively reducing and/or eliminating pollutants at the facility, and must be evaluated and revised whenever appropriate to ensure compliance with the Industrial Storm Water Permit. *Id.*

Sections B(3) – B(16) of the Industrial Storm Water Permit set forth the M&RP requirements. Specifically, Section B(3) requires dischargers to conduct quarterly visual observations of all drainage areas within their facility for the presence of authorized and unauthorized non-storm water discharges. Section B(4) requires dischargers to conduct visual observations of storm water discharges from one storm event per month during the Wet Season.[16] Sections B(3) and B(4) further require dischargers to document the presence of any floating or suspended material, oil and grease, discolorations, turbidity, odor, and the source of any pollutants. Dischargers must maintain records of observations, observation dates, locations observed, and responses taken to eliminate unauthorized non-storm water discharges and to reduce or prevent pollutants from contacting non-storm water and storm water discharges. *See* Industrial Storm Water Permit, Sections B(3) and B(4). Dischargers must revise the SWPPP in response to these observations to ensure that BMPs are effectively reducing and/or eliminating pollutants at the facility. *Id.*, Section B(4).

Sections B(5) and B(7) of the Industrial Storm Water Permit require dischargers to visually observe and collect samples of storm water from all locations where storm water is discharged. Under Section B(5) of the Industrial Storm Water Permit, the facility owners and/or operators are required to collect at least two (2) samples from each discharge location at their facility during the Wet Season. Storm water samples must be analyzed for TSS, pH, SC, total organic carbon or O&G, and other pollutants that are likely to be present in the facility's discharges in significant quantities. *See* Industrial Storm Water Permit, Section B(5)(c). The Industrial Storm Water Permit requires facilities classified as SIC code 5093, such as the Quality Recycling Facility, to also analyze storm water samples for zinc, iron, lead, aluminum, copper and Chemical Oxygen Demand. *Id.*; *see also* Industrial Storm Water Permit, Table D (Sector N).

Section B(7)(d) of the Industrial Storm Water Permit allows for the reduction of sampling locations in very limited circumstances when "industrial activities and BMPs within two or more drainage areas are substantially identical." If a discharger seeks to reduce sampling locations, the "[f]acility operators must document such a determination in the annual report." *Id.*

[16] The Wet Season is defined as October 1 – May 31.

The Quality Recycling Owners and/or Operators failed to collect and analyze storm water samples as required by the Industrial Storm Water Permit. For example, no storm water sample was collected during the 2010-2011 Wet Season despite qualifying rain events. Further, except for the 2011-2012 Wet Season, only one storm water sample was collected, rather than the two storm water samples required by Section B(5) of the Industrial Storm Water Permit, despite qualifying rain events. Additionally, the single storm water sample that was collected for the 2012-2013 Wet Season is marked with an asterisk noted in hand writing as "Sampling error", though no further explanation is given as to the nature of the error, and the accompanying submitted lab report gives no indication that samples were taken in error or otherwise improper and unrepresentative of the conditions of the storm water discharging from the site. Finally, for the single storm water sample that was collected for the 2012-2013 year, COD was not tested, which is a requirement for this Facility under Table D.

The Quality Recycling Owners and/or Operators have been conducting operations at the Quality Recycling Facility with an inadequately developed, implemented, and/or revised M&RP. The Quality Recycling Owners and/or Operators have failed and continue to fail to conduct the monthly visual observations of storm water discharges as required by Section B(4) of the Industrial Storm Water Permit. For example, during the 2010-2011 Wet Season the monthly visual observations of the storm water discharge points were not conducted at the discharge point every month, the records do not include the time the discharge began for each month to determine if the observation occurred during the first hour of discharge, and the descriptions of the observations, when they were provided at all, were nearly exactly the same for every month, usually just stating "Non bus hrs" or "Non business hours" in the "Drainage Location Description" box on Form 4. Further, during the 2012-2013 Wet Season, the Quality Recycling Owners and/or Operators failed to document the presence of any floating or suspended material, O&G, discolorations, turbidity, odor, or the source of any pollutants, and either did not conduct the observations during the first hour of discharge or did not record the time that the discharge began to determine this information. These failures to properly conduct and record monthly storm water discharge visual observations are a violation of Section B(4) of the Industrial Storm Water Permit. All of these failures to properly conduct or record visual observations are violations of Sections B(3) and B(4) of the Industrial Storm Water Permit during the 2009-2010, 2010-2011, 2011-2012, 2012-2013, and 2013-2014 Wet Seasons.

The Quality Recycling Facility Owners' and/or Operators' failure to conduct sampling and monitoring as required by the Industrial Storm Water Permit demonstrates their further failure to develop, implement, and/or revise an M&RP that complies with the requirements of Section B and Provision E(3) of the Industrial Storm Water Permit. Every day that the Quality Recycling Owners and/or Operators conduct operations in violation of the specific monitoring requirements of the Industrial Storm Water Permit, or with an inadequately developed and/or implemented M&RP, is a separate and distinct violation of the Industrial Storm Water Permit and the Clean Water Act. The Quality Recycling Owners and/or Operators have been in daily and continuous violation of the Industrial Storm Water Permit's M&RP requirements every day since at least May 15, 2010. These violations are ongoing, and CERF and Coastkeeper will include additional violations when information becomes available. The Quality Recycling Owners and/or Operators are also subject to civil penalties for all violations of the Clean Water Act occurring since May 15, 2010.

E. Failure to Comply with the Industrial Storm Water Permit's Reporting Requirements

Section B(14) of the Industrial Storm Water Permit requires a permittee to submit an Annual Report to the Regional Board by July 1 of each year. Section B(14) requires that the Annual Report include a summary of visual observations and sampling results, an evaluation of the visual observation and sampling results, the laboratory reports of sample analysis, the annual comprehensive site compliance evaluation report, an explanation of why a permittee did not implement any activities required, and other information specified in Section B(13).

The Quality Recycling Owners and/or Operators have failed and continue to fail to submit Annual Reports that comply with the Industrial Storm Water Permit reporting requirements. For example, in each Annual Report since the filing of the 2009-2010 Annual Report, the Quality Recycling Owners and/or Operators certified that: (1) a complete Annual Comprehensive Site Compliance Evaluation was done pursuant to Section A(9) of the Industrial Storm Water Permit; (2) the SWPPP's BMPs address existing potential pollutant sources; and (3) the SWPPP complies with the Industrial Storm Water Permit, or will otherwise be revised to achieve compliance. However, information available to CERF and Coastkeeper indicates that these certifications are erroneous. For example, although storm water samples collected from the Facility have consistently contained elevated concentrations of pollutants, demonstrating that BMPs must be revised, the Annual Report fails to address this, as required by the Industrial Storm Water Permit. Instead, Form 5 answers by Quality Recycling Owners and/or Operators indicate that no additional/revised BMPs are necessary and that all BMPs have been fully implemented, despite the repeated violations of Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations. *See* Annual Reports, Form 5: Annual Comprehensive Site Compliance Evaluation Potential Pollutant Source/Industrial Activity BMP Status.

The Quality Recycling Owners and/or Operators have also submitted incomplete Annual Reports. For instance, the facility operator must report any noncompliance with the Industrial Storm Water Permit at the time that the Annual Report is submitted, including 1) a description of the noncompliance and its cause, 2) the period of noncompliance, 3) if the noncompliance has not been corrected, the anticipated time it is expected to continue, and 4) steps taken or planned to reduce and prevent recurrence of the noncompliance. Industrial Storm Water Permit, Section C(11)(d). The Quality Recycling Owners and/or Operators did not report their non-compliance as required.

Further, as described above, the forms submitted to record the facility operator's visual observations of the Facility's discharge points were incomplete. Thus, the Quality Recycling Owners and/or Operators have never included an adequate summary of visual observations or evaluation of the visual observation results.

Finally, the Industrial Storm Water Permit requires a permittee whose discharges violate the Industrial Storm Water Permit Receiving Water Limitations to submit a written report identifying what additional BMPs will be implemented to achieve water quality standards. Industrial Storm Water Permit, Receiving Water Limitations C(3) and C(4). Information available to CERF and Coastkeeper indicates that the Quality Recycling Owners and/or Operators have failed to submit the reports required by Receiving Water Limitations C(3) and C(4) of the Industrial Storm Water Permit. As such, the Quality Recycling Owners and/or Operators are in daily violation of this requirement of the Industrial Storm Water Permit.

Information available to CERF and Coastkeeper indicates that the Quality Recycling Owners and/or Operators have submitted incomplete and/or incorrect Annual Reports that fail to comply with the Industrial Storm Water Permit. As such, the Quality Recycling Owners and/or Operators are in daily violation of the Industrial Storm Water Permit. Every day the Quality Recycling Owners and/or Operators conduct operations at the Facility without reporting as required by the Industrial Storm Water Permit is a separate and distinct violation of the Storm Water Permit and the Clean Water Act. The Quality Recycling Owners and/or Operators have been in daily and continuous violation of the Storm Water Permit's reporting requirements every day since at least May 15, 2010. These violations are ongoing. The Quality Recycling Owners and/or Operators are also subject to civil penalties for all violations of the Clean Water Act occurring since May 15, 2010.

IV. RELIEF AND PENALTIES SOUGHT FOR VIOLATIONS OF THE CLEAN WATER ACT

Pursuant to Section 309(d) of the Clean Water Act, 33 U.S.C. § 1319(d), and the Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. § 19.4, each separate violation of the Clean Water Act subjects the violator to a penalty for all violations occurring during the period commencing five (5) years prior to the date of a notice of intent to file suit letter. These provisions of law authorize civil penalties of up to $37,500 per day per violation for all Clean Water Act violations. In addition to civil penalties, CERF and Coastkeeper will seek injunctive relief preventing further violations of the Clean Water Act pursuant to Sections 505(a) and (d), 33 U.S.C. § 1365(a) and (d), declaratory relief, and such other relief as permitted by law. Lastly, pursuant to Section 505(d) of the Clean Water Act, 33 U.S.C. § 1365(d), CERF and Coastkeeper will seek to recover their costs, including attorneys' and experts' fees, associated with this enforcement action.

V. CONCLUSION

CERF and Coastkeeper are willing to discuss effective remedies for the violations described in this Notice Letter. However, upon expiration of the 60-day notice period, CERF and Coastkeeper will file a citizen suit under Section 505(a) of the Clean Water Act for the Quality Recycling Owners' and/or Operators' violations of the Industrial Storm Water Permit at the Facility. Please direct all communications to CERF and Coastkeeper's legal counsel:

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Coast Law Group, LLP
1140 South Coast Highway 101
Encinitas, California 92024
Tel: 760-942-8505

Matt O'Malley
matt@sdcoastkeeper.org
San Diego Coastkeeper
2825 Dewey Rd., #200
San Diego, California 92106
Tel: (619) 758-7743

If you wish to pursue settlement discussions in the absence of litigation, please contact Coast Law Group LLP and San Diego Coastkeeper immediately

Sincerely,

Matt O'Malley
Attorney for San Diego Coastkeeper

Marco Gonzalez
Livia Borak
Attorneys for Coastal Environmental Rights Foundation

SERVICE LIST

VIA U.S. MAIL

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EXHIBIT A

Exhibit A
Quality Recycling 60-Day Notice Letter

Date of sample collection	Sample Location	Parameter	Result	Units	Benchmark	Magnitude of Benchmark Exceedance	California Toxics Rule Criteria (Maximum Conc.)	California Toxics Rule Criteria (Continuous Conc.)	Magnitude of CTR Exceedance
2009/2010 WET SEASON									
2/27/2010	SW Side	Zinc	0.482	mg/L	0.11	4.38	0.120	0.120	4.0
2/27/2010	SW Side	Iron	3.92	mg/L	1	3.92	none		N/A
2/27/2010	SW Side	Aluminum	2.18	mg/L	0.75	2.91	none		N/A
2/27/2010	SW Side	Lead	0.087	mg/L	0.069	1.26	0.065	0.0025	1.34
2/27/2010	SW Side	Copper	0.185	mg/L	0.0123	15.04	0.013	0.009	14.2
2/27/2010	SW Side	Chemical Oxygen Demand	250	mg/L	120	2.08	none		N/A
2011/2012 WET SEASON									
11/12/2011	SW Side	Zinc	1.39	mg/L	0.11	12.64	0.120	0.120	11.6
11/12/2011	SW Side	Copper	0.885	mg/L	0.0123	71.95	0.013	0.009	68.1
11/12/2011	SW Side	Iron	4.63	mg/L	1	4.63	none		N/A
11/12/2011	SW Side	Aluminum	2.1	mg/L	0.75	2.80	none		N/A
11/12/2011	SW Side	Lead	0.188	mg/L	0.069	2.72	0.065	0.0025	2.89
11/12/2011	SW Side	Total Suspended Solids	310	mg/L	100	3.10	none		N/A
11/12/2011	SW Side	Chemical Oxygen Demand	280	mg/L	120	2.33	none	none	N/A
2/27/2012	SW Side	Zinc	1.11	mg/L	0.11	10.09	0.120	0.120	9.3
2/27/2012	SW Side	Copper	0.081	mg/L	0.0123	6.59	0.013	0.009	6.2
2/27/2012	SW Side	Iron	10.6	mg/L	1	10.60	none	none	N/A
2/27/2012	SW Side	Aluminum	5.63	mg/L	0.75	7.51	none	none	N/A
2/27/2012	SW Side	Total Suspended Solids	136	mg/L	100	1.36	none	none	N/A
2/27/2012	SW Side	Specific Conductance	479	umohs/cm	200	2.40	none	none	N/A
2/27/2012	SW Side	pH	3.14	pH	6.0-9.0				
2012/2013 WET SEASON									
12/29/2012 or 12/31/2012*	SW Side or NW Side*	Zinc	11.6	mg/L	0.11	105.45	0.120	0.120	96.67
12/29/2012 or 12/31/2012*	SW Side or NW Side*	Copper	9.91	mg/L	0.0123	805.69	0.013	0.009	762.31
12/29/2012 or 12/31/2012*	SW Side or NW Side*	Iron	78.2	mg/L	1	78.20	none	none	N/A
12/29/2012 or 12/31/2012*	SW Side or NW Side*	Aluminum	23.9	mg/L	0.75	31.87	none	none	N/A
12/29/2012 or 12/31/2012*	SW Side or NW Side*	Lead	2.23	mg/L	0.069	32.32	0.065	0.0025	34.31

Exhibit A
Quality Recycling 60-Day Notice Letter

Date of sample collection	Sample Location	Parameter	Result	Units	Benchmark	Magnitude of Benchmark Exceedance	California Toxics Rule Criteria (Maximum Conc.)	California Toxics Rule Criteria (Continuous Conc.)	Magnitude of CTR Exceedance
12/29/2012 or 12/31/2012*	SW Side or NW Side*	Total Suspended Solids	1130	mg/L	100	11.3	none	none	N/A
12/29/2012 or 12/31/2012*	SW Side or NW Side*	Specific Conductance	1350	umohs/cm	200	6.75	none	none	N/A
2013/2014 WET SEASON									
2/28/2014	SW Side	Total Suspended Solids	216	mg/L	100	2.16	none	none	N/A
2/28/2014	SW Side	Chemical Oxygen Demand	386	mg/L	120	3.22	none	none	N/A
2/28/2014	SW Side	Zinc	1.59	mg/L	0.11	14.45	0.120	0.120	13.3
2/28/2014	SW Side	Iron	13.4	mg/L	1	13.40	none	none	N/A
2/28/2014	SW Side	Aluminum	5.65	mg/L	0.75	7.53	none	none	N/A
2/28/2014	SW Side	Copper	0.968	mg/L	0.0123	78.70	0.013	0.009	74.5
2/28/2014	SW Side	Lead	0.188	mg/L	0.069	2.72	0.065	0.0025	2.9
2/28/2014	SW Side	Specific Conductance	216	umohs/cm	200	1.08	none	none	N/A
* Inconsistency in monitoring report									

EXHIBIT B

Vista Precipitation History Data Memorandum

DATE: March 30, 2015

Date	Precipitation (Inches)
July 1, 2014-June 30, 2015	
March 2, 2015	0.35
March 1, 2015	1.09
February 28, 2015	0.02
February 23, 2015	0.48
January 27, 2015	0.03
January 26, 2015	0.15
January 12, 2015	0.09
January 11, 2015	0.26
January 10, 2015	0.01
December 31, 2014	0.66
December 18, 2014	0.02
December 17, 2014	0.34
December 16, 2014	0.03
December 13, 2014	0.28
December 12, 2014	1.01
December 4, 2014	0.28
December 3, 2014	0.85
December 2, 2014	0.19
November 21, 2014	0.23
November 15, 2014	0.01
November 14, 2014	0.06
November 2, 2014	0.10
November 1, 2014	0.34
August 20, 2014	0.08
August 3, 2014	0.04
August 2, 2014	0.06

Date	Precipitation (Inches)
July 1, 2013-June 30, 2014	
April 26, 2014	0.22
April 2, 2014	0.17
April 1, 2014	0.13
March 3, 2014	0.01
March 2, 2014	0.22
March 1, 2014	0.97
February 28, 2014	0.90
February 27, 2014	0.19

February 7, 2014	0.14
February 6, 2014	0.01
January 31, 2014	0.11
December 19, 2013	0.26
December 7, 2013	0.15
November 29, 2013	0.25
November 22, 2013	0.13
November 21, 2013	0.49
November 16, 2013	0.20
October 29, 2013	0.41
October 28, 2013	0.08
October 10, 2013	0.64
October 9, 2013	0.13
July 22, 2013	0.01

Date	**Precipitation (Inches)**
July 1, 2012-June 30, 2013	
May 8, 2013	0.13
May 7, 2013	0.40
May 6, 2013	0.30
May 5, 2013	0.05
April 15, 2013	0.02
April 9, 2013	0.02
April 8, 2013	0.01
March 9, 2013	0.25
March 8, 2013	1.22
March 7, 2013	0.05
February 21, 2013	0.01
February 20, 2013	0.30
February 19, 2013	0.08
February 11, 2013	0.02
February 10, 2013	0.01
February 9, 2013	0.05
February 8, 2013	0.22
January 27, 2013	0.60
January 26, 2013	0.41
January 25, 2013	0.24
January 24, 2013	0.02
January 10, 2013	0.02
January 7, 2013	0.20
January 6, 2013	0.05
December 30, 2012	0.13
December 29, 2012	0.20
December 26, 2012	0.05
December 24, 2012	0.17
December 18, 2012	0.23
December 17, 2012	0.25

December 15, 2012	0.15
December 14, 2012	0.12
December 13, 2012	1.65
December 3, 2012	0.01
December 2, 2012	0.05
December 1, 2012	0.05
November 30, 2012	0.08
November 29, 2012	0.16
November 17, 2012	0.06
November 10, 2012	0.04
November 9, 2012	0.15
November 8, 2012	0.04
October 23, 2012	0.03
October 22, 2012	0.01
October 21, 2012	0.07
October 13, 2012	0.01
October 12, 2012	0.28
October 11, 2012	0.14
September 10, 2012	0.02
August 24, 2012	0.01
July 12, 2012	0.01

Date	**Precipitation (Inches)**
July 1, 2011-June 30, 2012	
May 26, 2012	0.01
May 25, 2012	0.01
May 3, 2012	0.04
May 2, 2012	0.01
May 1, 2012	0.01
April 26, 2012	0.50
April 25, 2012	0.11*
April 14, 2012	0.30
April 13, 2012	0.40
April 12, 2012	0.10
April 11, 2012	0.26
April 3, 2012	0.00*
April 2, 2012	0.00*
April 1, 2012	0.02*
March 31, 2012	0.01
March 26, 2012	0.41
March 25, 2012	0.14
March 19, 2012	0.02
March 18, 2012	0.55
March 17, 2012	0.60
March 7, 2012	0.03
March 1, 2012	0.01
February 28, 2012	0.44

February 27, 2012	0.22
February 26, 2012	0.00*
February 17, 2012	0.00*
February 16, 2012	0.14
February 15, 2012	0.29
February 14, 2012	0.41
February 13, 2012	0.06
February 12, 2012	0.05
February 11, 2012	0.00*
February 8, 2012	0.02
February 7, 2012	0.08*
February 5, 2012	0.00*
February 2, 2012	0.01*
January 23, 2012	0.19
January 22, 2012	0.01*
January 21, 2012	0.31
January 16, 2012	0.45
January 12, 2012	0.00*
January 10, 2012	0.00*
January 7, 2012	0.00*
January 3, 2012	0.00*
December 14, 2011	0.05
December 13, 2011	0.10
December 12, 2011	0.67
November 24, 2011	0.00*
November 22, 2011	0.01
November 21, 2011	0.80
November 20, 2011	0.04
November 16, 2011	0.00*
November 14, 2011	0.01*
November 13, 2011	0.00*
November 12, 2011	0.68
November 7, 2011	0.08
November 6, 2011	0.34
November 5, 2011	0.08
November 4, 2011	0.28
October 26, 2011	0.01
October 24, 2011	0.01
October 6, 2011	0.22
October 5, 2011	1.60
October 4, 2011	0.01
September 25, 2011	0.00*
September 20, 2011	0.00*
September 19, 2011	0.00*
September 14, 2011	0.00*
September 3, 2011	0.00*
September 1, 2011	0.00*
July 31, 2011	0.03

Date	Precipitation (Inches)
July 1, 2010-June 30, 2011	
June 29, 2011	0.00*
June 24, 2011	0.00*
June 15, 2011	0.00*
June 3, 2011	0.00*
May 31, 2011	0.00*
May 29. 2011	0.08
May 26, 2011	0.00*
May 25, 2011	0.00*
May 20, 2011	0.00*
May 19, 2011	0.00*
May 18, 2011	0.68
May 17, 2011	0.19
May 15, 2011	0.05
May 12, 2011	0.00*
May 11, 2011	0.00*
May 9, 2011	0.00*
May 7, 2011	0.00*
April 27, 2011	0.00*
April 24, 2011	0.05
April 22, 2011	0.00*
April 20, 2011	0.04*
April 19, 2011	0.05
April 14, 2011	0.00*
April 13, 2011	0.00*
April 10, 2011	0.00*
April 9, 2011	0.12
April 8, 2011	0.14*
April 6, 2011	0.90
April 1, 2011	0.00*
March 27, 2011	0.02
March 26, 2011	0.05
March 25, 2011	0.14
March 24, 2011	0.33
March 22, 2011	0.30
March 21, 2011	1.50
March 7, 2011	0.30
February 27, 2011	0.01
February 26, 2011	0.39
February 23, 2011	0.00*
February 20, 2011	0.85
February 19, 2011	0.86
February 18, 2011	0.05
February 17, 2011	0.10
February 16, 2011	0.26

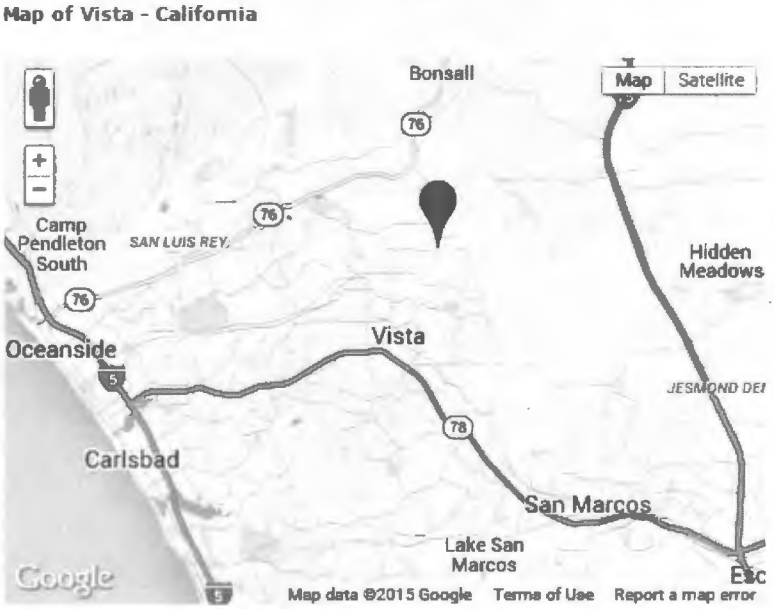
February 15, 2011	0.00*
February 10, 2011	0.00*
February 6, 2011	0.00*
February 4, 2011	0.00*
February 2, 2011	0.00*
January 31, 2011	0.53
January 20, 2011	0.00*
January 19, 2011	0.00*
January 15, 2011	0.00*
January 14, 2011	0.00*
January 12, 2011	0.00*
January 11, 2011	0.00*
January 10, 2011	0.00*
January 4, 2011	0.06
January 3, 2011	1.24
January 2, 2011	0.08
December 30, 2010	0.05
December 29, 2010	1.03
December 26, 2010	0.30
December 22, 2010	2.97
December 21, 2010	1.97
December 20, 2010	0.90
December 19, 2010	0.27
December 18, 2010	0.29
December 17, 2010	0.10
December 16, 2010	0.24
November 24, 2010	0.15
November 21, 2010	0.40
November 20, 2010	0.33
November 8, 2010	0.02*
November 7, 2010	0.00*
October 30, 2010	0.33
October 25, 2010	0.00*
October 24, 2010	0.05*
October 23, 2010	0.00*
October 21, 2010	0.02
October 20, 2010	0.85
October 19, 2010	0.02*
October 18, 2010	0.01*
October 17, 2010	0.19
October 15, 2010	0.00*
October 14, 2010	0.00*
October 13, 2010	0.00*
October 5, 2010	0.02
October 4, 2010	0.00*
October 3, 2010	0.00*
October 2, 2010	0.00*
September 30, 2010	0.03

July 16, 2010	0.37
July 7, 2010	0.05

Date	Precipitation (Inches)
July 1, 2009-June 30, 2010	
April 28, 2010	0.09
April 22, 2010	1.10
April 21, 2010	0.29
April 19, 2010	0.02
April 12, 2010	0.79
April 5, 2010	0.24
April 1, 2010	0.13
March 9, 2010	0.01
March 8, 2010	0.18
March 7, 2010	0.06
March 6, 2010	0.07
March 4, 2010	0.19

Sources:

Precipitation data was obtained from the U.S. Climate Data website:
http://www.usclimatedata.com/climate/vista/california/united-states/usca1205
The precipitation was measured at Longitude: -117.227 and Latitude: 33.2294 see below map:



*All starred data was not available from U.S. Climate Data. Starred data was obtained from Weather Underground website at:
http://www.wunderground.com/history/airport/KCRQ/2012/2/30/MonthlyCalendar.html?req_city=Vista&req_state=CA&req_statename=&reqdb.zip=92081&reqdb.magic=1&reqdb.wmo=99999
Precipitation is measured from McClellan-Palomar Airport at 2192 Palomar Airport Road, Carlsbad, CA